

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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MARJORIE E. GIBSON,

Defendant-Appellant,

v.

THOMAS KREISCHER, VICKY KREISCHER,  
and MARJAC, INC.,

Plaintiffs-Appellees.  
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ORDER

15-cv-783-bbc

USCA Appeal no. 16-3121

As directed by this court's order entered on August 16, 2016, defendant-appellant Marjorie Gibson has submitted an amended financial affidavit in support of her request to proceed in forma pauperis on appeal. In determining whether defendant-appellant may appeal in forma pauperis under 28 U.S.C. § 1915, I must consider whether she is indigent and whether her appeal is taken in good faith. Fed. R. App. P. 24(a).

Although I see no reason to certify that the appeal is not taken in good faith, I find that defendant-appellant does not qualify for indigent status. In determining whether appellant has the means to pay the \$505 appeal filing fee, the court's practice is to make the following calculation: subtract \$4,200 for each dependent from a litigant's annual gross income, and if the balance is less than \$36,000, the litigant may proceed without any prepayment of fees and costs. From her affidavit of indigency, defendant-appellant indicates that she will have a projected

income of \$1,985 for the next nine months; however, according the payroll log attached to her affidavit, she has received \$37,843.53 in net income for the period of August 15, 2015 to August 30, 2016. Because this exceeds the court's maximum \$36,000 threshold for income, I find defendant-appellant is ineligible to proceed in forma pauperis on appeal.

ORDER

IT IS ORDERED that defendant-appellant Marjorie Gibson's motion for leave to proceed in forma pauperis on appeal, dkt. #14, is DENIED. Defendant-appellant may have until October 3, 2016 to pay the \$505 appellate fee. If by October 3, defendant-appellant does not pay the \$505 appellate fee as directed, the clerk's office will alert the Seventh Circuit, which may result in the dismissal of her appeal.

Entered this 9th day of September, 2016.

BY THE COURT:

/s/

BARBARA B. CRABB  
District Judge